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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,004	06/27/2003	Takashi Honda	239633US3X	4933
22850	7590	06/30/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			RENNER, CRAIG A	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,004

Applicant(s)

HONDA ET AL.

Examiner

Craig A. Renner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) 13-17, 20 and 21 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12, 18 and 19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/27/03 & 11/3/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of "Group I, Claims 1-12, 18, and 19" in the reply filed on 14 April 2005 is acknowledged. The traversal is on the ground(s) that "a search and examination of the entire application would not place a *serious* burden on the Examiner." This argument, however, is not found to be persuasive because the search for the invention of group I is not coextensive with the search for the invention of group II as evidenced by their different classifications, detailed in paragraph 1 of the Office action filed 16 March 2005. Therefore, searching for the inventions of all groups could not be done without serious burden.

The requirement is still deemed proper and is therefore made FINAL. Accordingly, claims 13-17 and 20-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to because of the following informalities:
 - a. In FIG. 6, reference signs "9" and "10" should be changed to --109-- and --110--, respectively, in order to be consistent with the remainder of the disclosure.
 - b. Figs. 6 and 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
5. The disclosure is objected to because of the following informalities:

In line 5 of claim 2 and line 4 of claim 8, each instance of "coincides" should be changed to --coincide-- for better clarity. Appropriate correction is required.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2, 4, 6, 8, 10 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In lines 7 and 12 of claim 2, it is indefinite as to which of the "center lines" set forth in line 4 of claim 2 is being referenced by each instance of "said center line".

b. In line 9 of claim 8, "said magnetic head" is indefinite because it lacks clear and/or proper antecedent basis.

c. In lines 7 and 12 of claim 8, it is indefinite as to which of the "center lines" set forth in line 3 of claim 8 is being referenced by each instance of "said center line".

d. Claims 4, 6, 10 and 19 inherit the indefiniteness associated with their respective base claims and stand rejected as well.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-4, 7-10, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwijima et al. (US 6,751,064).

Kuwijima et al. (US 6,751,064) teaches a head supporting mechanism/suspension apparatus/magnetic head apparatus comprising a magnetic head slider (1), a load beam (portion of 2 adjacent 1 as shown in FIG. 1, for instance) adapted to be attached with the magnetic head slider at one end; and a head arm (portion of 2 adjacent 11a as shown in FIG. 1, for instance), a tip end of the head arm being joined with the other end of the load beam (as shown in FIG. 1, for instance, i.e., head arm and load beam are integrally joined so as to be “constructed as a single member” as per claims 3-4 and 9-10); wherein a dummy weight (includes at least a portion of 8, for instance) is attached to a rear end of the head arm (as shown in FIGS. 4-5, for instance); a center of mass of a portion including all of the magnetic head slider, the load beam, the head arm and the dummy weight coincides with a center of swing movement of the head arm in a radial direction of a recording medium (12) and with a

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center of swing movement of the head arm in a direction perpendicular to a recording surface of the recording medium (lines 11-20 in column 10, for instance) [as per claims 1 and 7]; wherein the load beam and the head arm are joined in such a way that their center lines in the longitudinal direction coincides with each other (as shown in FIG. 2, for instance), and attachment positions of the dummy weight are respectively arranged to be symmetrical with respect to the center line (as shown in FIG. 6, for instance), and attachment positions of a joining member for joining a voice coil motor (includes 3, for instance)) for swinging the head arm in the radial direction of the recording medium with the head arm are also respectively arranged to be symmetrical with respect to the center line (as shown in FIG. 6, for instance) [as per claims 2 and 8]; wherein the load beam and the head arm are constructed as a single member (as shown in FIG. 2, for instance) [as per claims 3-4 and 9-10]; and wherein the magnetic head apparatus is a component of a magnetic recording apparatus (23) [as per claims 18-19].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 5-6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwijima et al. (US 6,751,064).

Kuwijima et al. (US 6,751,064) teaches the head supporting mechanism/suspension apparatus/magnetic head apparatus as detailed in paragraph 10, supra. Kuwijima et al. (US 6,751,064), however, remains silent as to "wherein said load beam and said head arm are made of a resin" as per claims 5-6 and 11-12.

Official notice is taken of the fact that resin is a notoriously old and well known load beam/head arm material in the art. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have had the load beam and the head arm of Kuwijima et al. (US 6,751,064) be made of a resin. The rationale is as follows:

One of ordinary skill in the art would have been motivated to have had the load beam and the head arm of Kuwijima et al. (US 6,751,064) be made of a resin since such is a notoriously old and well known load beam/head arm material in the art, and since selecting a known material on the basis of its suitability for the intended use is within the level of ordinary skill in the art, *In re Leshin*, 125 USPQ 416 (CCPA 1960).

Pertinent Prior Art

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Kuwijima et al. (US 6,826,018), Kuwijima et al. (EP 1 231 598 A2), and Kuwijima et al. (EP 1 239 485 A2), which each individually teaches a head supporting device with a center of mass thereof coinciding with a center of swing movement in a radial direction of a recording medium and with a center of swing movement in a direction perpendicular to a recording surface of the recording medium.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Craig A. Renner
Primary Examiner
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